

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TERRANCE J. SHAW,

Plaintiff,

v.

JON E. LITSCHER, et al.,

Defendants.

ORDER

Case No. 15-cv-511-wmc

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On February 2, 2017, plaintiff Terrance Shaw filed a notice of appeal. On March 3, 2017, the court granted Shaw leave to proceed *in forma pauperis* on that appeal and ordered Shaw to make an initial partial payment of the appellate docketing fee in the amount of \$92.30, which Shaw paid on March 23, 2017. Now, Shaw has filed a motion for a court order to use funds from his inmate release account to pay the remainder of the appeal filing fee in full.

There is no federal law permitting this court to require state officials to submit the entire filing fee by accessing a prisoner's release account funds. It is only when a prisoner's general account has insufficient funds to pay an initial partial filing fee payment that the Prisoner Litigation Reform Act ("PLRA") permits this court to order an institution to access a prisoner's release account funds to satisfy that payment. *See Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Furthermore, 28 U.S.C. § 1915 dictates the manner in which prisoner filing fees are to be paid and collected. If a prisoner requests leave to proceed *in forma pauperis*, the prisoner must first pay an initial partial payment of the filing fee and then send the remainder of the fee to the court in installments of 20% of the preceding month's income in accordance with 28 U.S.C. § 1915(b)(2). The court has no authority to modify the statute's

requirements and collect the full filing fee from plaintiff's release account. Accordingly, I will deny Shaw's motion.

ORDER

IT IS ORDERED that plaintiff Terrance J. Shaw's motion for an order directing prison officials to pay the remainder of the appeal filing fee in this case from plaintiff's release account is DENIED.

Entered this 7th day of April, 2017.

BY THE COURT:

/s/

PETER OPPENEER  
Magistrate Judge